

Salisbury, North Carolina  
September 4, 2018

## **REGULAR MEETING**

**PRESENT:** Mayor Al Heggins, Presiding; Mayor Pro Tem David Post; Council Members Karen Alexander, William Brian Miller, and Tamara Sheffield; City Manager W. Lane Bailey; City Clerk Diane Gilmore, and City Attorney J. Graham Corriher.

**ABSENT:** None.

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The meeting was called to order by Mayor Heggins at 5:00 p.m.

## **PLEDGE OF ALLEGIANCE**

Mayor Heggins led those present in the Pledge of Allegiance to the United States flag.

## **RECOGNITION OF VISITORS**

Mayor Heggins welcomed all visitors present.

## **CHANGE TO THE AGENDA**

Mayor Heggins noted the following change to the Agenda:

Add – three announcements regarding the North Carolina Department of Transportation Litter Sweep, rescheduled City Council September 18 meeting, and the Mayor's Playball event Saturday, September 8 at Catawba College.

Add – a closed session meeting to consult with an attorney.

## **PROCLAMATION**

Mayor to proclaim the following observance:

FIRST RESPONDER DAY                      SEPTEMBER 11, 2018

Mayor Heggins read the First Responders Day Proclamation and presented a copy to Police Chief Jerry Stokes and Fire Chief Bob Parnell.

## **RECOGNITION**

Mayor Heggins asked City Engineering Wendy Brindle to help her recognize Engineering staff. Ms. Brindle introduced the Traffic Engineering staff Ms. Arlette Oglesby, Mr. Chauncey Sheppard, Mr. Ellis Robinson, and Ms. Vickie Eddleman. She commented Mr. Sheppard and Mr. Robinson are Signal Field Technicians who are responsible for 88 City traffic signal, over a 100 City street lights and assist with street banners. She commented Ms. Eddleman is the Traffic Engineering Coordinator for the City and works with Ms. Oglesby Engineering's Senior Administrator Specialist to respond to citizen complaints and department needs. Mayor Heggins thanked them for their work.

## **CONSENT AGENDA**

### **(a)     Approval of Minutes**

Adopt Minutes of the Special meetings of August 21 and August 23, 2018, and the Regular meeting of August 7, 2018.

### **(b)     Retirement –Police K9 Snitch**

Approve the retirement of Police Service K9 Snitch and gifting him to his handler Officer Joseph Martinez.

### **(c)     Budget Ordinance Amendment – Police Department**

Adopt a Budget Ordinance amendment to FY2018-2019 budget in the amount of \$10,933 to appropriate revenue for training and up fitting the crime scene truck in the Police Department.

ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE NC CONTROLLED SUBSTANCES TAXES

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 127, and is known as Ordinance 2018-43.)

(d) Right-of-Way Encroachment – Spirit Communications

Approve a Right-of-Way encroachment along Council and Lee Street and an alley between Lee and Main Street, from Spirit Communications for installation of a directional bored duct within the City Right-of-Way in accordance with Section 11-24 (27) of the City Code.

(e) Budget Ordinance Amendment – 904 South Jackson Street

Adopt a Budget Ordinance amendment to FY2018-2019 budget in the amount of \$121,281 to appropriate funds from the sale of a house in FY2017-2018 located at 904 South Jackson Street

ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE HOUSING STABILIZATION FUNDS

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 128, and is known as Ordinance 2018-44.)

(f) Residuals Land Application Program

Authorize the City Manager to execute a contract with EMA Resources, Inc. in the amount of \$193,225 for services related to the Residuals Land Application Program.

Thereupon, Councilmember Alexander made a **motion** to adopt the Consent Agenda as presented. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

**REMEDIAL ACTION PLAN (RAP)**

Code Enforcement Officer Karen Barbee-Ziegler and Housing Advocacy Commission (HAC) board member Ms. Anne Lyles presented Council a report on the Remedial Action Plan (RAP). She commented the RAP began as a partnership between Salisbury HAC, Salisbury's Police Department and Code Enforcement. She indicated Council adopted the RAP program July 11, 2017, and the RAP began November 1, 2017.

Ms. Barbee presented Council a brochure for landlords to register properties and receive HAC information. She commented the HAC has 191 rental properties voluntarily registered. She noted the RAP has a focus to reduce crime relating to rental properties, to provide landlords training and assist with disorderly activities, and she added RAP uses a software called Crime Free Programs.

Ms. Barbee announced a RAP and rental property informational session will be held Wednesday, September 26, 2018 from 6:00 p.m. until 8:00 p.m. at 500 North Main Street and is free to the public. She noted landlords will have an opportunity to speak directly with City Attorney Graham Corriher, a Sheriff's Deputy who processes evictions for Rowan County, and a City Code Enforcement Officer to learn more about the eviction process, the RAP Ordinance, and real estate. She added her office is located at 132 North Main Street and residents can call (704) 638-7586.

Councilmember Miller asked if rental property managers are invited to attend trainings. Ms. Barbee indicated letters are sent to rental property owners and their rental property.

Ms. Anne Lyles commented the HAC has spent many hours training and reviewing plans to help address the community's needs. She commented, at first, landlords were resistant but after time and discussion with property owners, the HAC helped create a plan that was agreeable to all parties.

#### **RESOLUTION – UPSET BID PROCESS – 200 BLOCK OF WEST HENDERSON STREET**

City Engineer Wendy Brindle presented Council with an offer to purchase parcels 011-039-01 and 011-391 located between West Henderson Street and West Lafayette Street. She commented the offer is to purchase both parcels in the amount of \$15,000, and she indicated the properties are approximately 0.80 of an acre with a tax value of \$59,650. She noted both parcels are included in a 100-year floodplain zone. She noted if Council desires to approve the offer it would need to adopt a Resolution to authorize the upset bid process. She commented the City has received the required 5% deposit, and she added staff would advertise for additional offers for 10 days. She commented if no offers are received within the required advertisement period, staff would return to Council to approve or decline the initial offer.

Councilmember Sheffield asked if there are structures on the properties. Ms. Brindle indicated the parcels are vacant.

Councilmember Miller commented the properties would generate tax revenue for the City. He noted it would not be cost effective to build a structure on the property since the properties are located in a floodplain. He stated he supports the upset bid process.

Thereupon, Councilmember Miller made a **motion** to adopt a Resolution supporting upset bid parcels for 011-391 and 011-039-01, located in the 200 block of West Henderson Street. Councilmember Alexander seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

**RESOLUTION SUPPORTING UPSET BID PROCESS FOR THE SELL OF PARCEL NO. 011-391 and 011-039-01 LOCATED IN THE 200 BLOCK OF WEST HENDERSON STREET**

(The above Resolution is recorded in full in Resolution Book No. 15 at Pages No. 41-42, and is known as Resolution 2018-26.)

**RESOLUTION – UPSET BID PROCESS FOR SALE OF 110 NORTH MAIN STREET PROPERTY**

City Engineer Wendy Brindle presented Council with an offer to purchase the property located at 110 North Main Street from Mr. Pete Bogle with Bogle Firm Architecture in the amount of \$150,000. She stated Mr. Bogle has agreed to the condition of sale and would abate mold located in the basement area and perform a final air clearance test. She noted Mr. Bogle indicated he has intentions to apply for City grants if he meets investment thresholds. She noted Mr. Bogle is a tenant at the Plaza and has asked for his lease not to be penalized in the event he is successful with the 110 North Main Street property. She added his lease expires December 2019.

Mayor Pro Tem Post asked about previous bids on the property. Ms. Brindle commented the property has had one previous offer in the amount of \$135,000. She noted individuals have shown interest in the property, and there could be additional bids submitted during the 10 day upset bid process. She noted the City receives a qualified upset bid, the 10 day period would restart until no other bids are submitted, and staff would present Council with a final offer.

Councilmember Sheffield asked for a review of the current property. Ms. Brindle commented the property is a vacant three-story building with 3,256 square feet and a tax value of \$200,498. She noted the property would need repairs including a roof, heating, ventilation, and air conditioning (HVAC). Councilmember Sheffield asked if Mr. Bogle's request for his lease to not be penalized is connected with the offer to purchase the 110 North Main Street property. Ms. Brindle noted at this time Council will only approve or deny the upset bid process.

Councilmember Sheffield commented she was in favor of Mr. Bogle's development vision for the building.

Councilmember Miller commented Mr. Bogle's investment could help the vibrancy of downtown with retail use on the first floor and professional services on the second floor. He noted there could be additional interest at the current price point, but he is in favor of proceeding with the upset bid process.

Thereupon, Mayor Pro Tem Post made a **motion** to adopt a Resolution supporting upset bid process for the sale of parcel 010-2-562, located at 110 North Main Street. Councilmember Alexander seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

**RESOLUTION SUPPORTING UPSET BID PROCESS FOR THE SELL OF PARCEL NO. 010-2-562 LOCATED AT 110 NORTH MAIN STREET**

(The above Resolution is recorded in full in Resolution Book No. 15 at Pages No. 43-44, and is known as Resolution 2018-27.)

## **BOARDS AND COMMISSIONS**

### **Human Relations Council**

Upon a motion by Councilmember Miller, seconded by Councilmember Sheffield. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voting AYE, the following appointment was made to the Human Relations Council for a term to begin March 31, 2018:

Mr. Stephen Simpson

Term Expires 3/31/21

Councilmember Sheffield commented the Community Appearance Commission is seeking members with experience in construction or design. Mayor Pro Tem Post commented Mr. Carl Sale might consider reappointment. Councilmember Sheffield commented Mr. Sale did not wish to seek reappointment at that time, but she suggested the committee could check with Mr. Sales.

Councilmember Miller commented the Planning Board is actively seeking Extraterritorial Jurisdiction (ETJ) members.

## **CITY ATTORNEY'S REPORT**

### **(a) Animal Control Ordinance Amendment**

City Attorney Graham Corriher presented Council with an amendment relating to Rowan County's animal control agreement with the City. He provided Council a copy of the agreement, and he noted in 2009 the City Council and the Rowan County Board of Commissioners agreed to consolidate animal control ordinances to allow Rowan County's animal control to enforce its laws within the City. He referenced a recent citizen's complaint regarding a leash restriction issue, and he commended the County for facilitating the adjustments made to leash laws. He noted he met with the City Manager, County Manager, and County Attorney to discuss repealing the City's Ordinance and replacing it with the County's Animal Control Ordinance.

Mr. Corriher provided Council a Resolution to adopt Rowan County's Animals Control Ordinance to be in effect in City limits. He suggested Council adopt an Ordinance to repeal the City's current animal control Ordinance. He stated the Resolution would adopt the County's Animals Control Ordinance to replace the City's Ordinance relating to Animal Control.

Mayor Heggins asked if the County would be responsible for all animal control enforcement. Mr. Corriher agreed, and he noted the Ordinance describes that the Salisbury Police Department has concurrent jurisdiction and Rowan County Animal Control is listed as the primary point of contact for City animal control needs. Mayor Heggins asked if Citizens should call the County first. Mr. Corriher agreed.

Councilmember Miller asked if there would be opportunities for the City and County to meet periodically to have conversations and determine if both the City's and County's needs are being met. Mr. Corriher indicated the 2009 agreement would remain in effect, and the two organizations would continue to coordinate with one another regarding any issues moving forward. He added the County has been very responsive and willing to support the agreement. He commented no payments for animal control services are being made to the County.

Mayor Pro Tem Post asked if changes to the County Ordinance would automatically change the City's. Mr. Corriher commented the ordinance states the City has adopted the County's Ordinance as amended from time to time by the Rowan County Commission. He commented if the City becomes unsettled with the agreement at any time the City can create its own animal control.

Councilmember Miller commended City Manager Lane Bailey and County Manager Aaron Church for helping build a relationship with Rowan County.

Thereupon, Mayor Pro Tem Post made a **motion** to adopt a Resolution permitting the Rowan County Animal Control Ordinance to be applicable within the City Limits. Councilmember Miller seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

#### RESOLUTION PERMITTING THE ROWAN COUNTY ANIMAL CONTROL ORDINANCE TO BE APPLICABLE WITHIN THE CITY LIMITS

(The above Resolution is recorded in full in Resolution Book No. 15 at Page No. 45, and is known as Resolution 2018-28.)

Thereupon, Mayor Pro Tem Post made a **motion** to adopt an Ordinance amending Chapter 5, Section IV of the Code of Ordinances to clarify animal control services. Councilmember Miller seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

#### ORDINANCE AMENDING CHAPTER 5, SECTION IV OF THE CODE OF ORDINANCES TO CLARIFY ANIMAL CONTROL SERVICES

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 129, and is known as Ordinance 2018-45.)

### **CITY MANAGER'S REPORT**

#### **(a) Fire Prevention and Safety Grant Award**

City Manager Lane Bailey announced the City received a grant from Homeland Security and Fire Prevention and Safety grant in the amount of \$73,363 to assist with the creation of an

Arson Task Force. He noted the City is required to provide a 5% cost match of \$3,493 as a condition of the grant award.

Thereupon, Councilmember Alexander made a **motion** to accept the Fire Prevention and Safety Grand award in the amount of \$73,363. Councilmember Miller seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

## **ANNOUNCEMENTS**

Communications Director Linda McElroy announced Downtown Salisbury, Inc. will host the first Downtown Salisbury Brew Fest and Crawl on Friday, September 14, 2018 from 5:00 p.m. until 9:00 p.m. and Saturday, September 15, 2018 from 3:00 p.m. until 8:00 p.m. This two day, ticketed event will celebrate the art of craft beer, allowing patrons to experience local and regional craft breweries in a multitude of ways. For detailed information, please visit [www.downtownsalisburync.com](http://www.downtownsalisburync.com) or call (704) 637-7814.

Communications Director Linda McElroy announced North Carolina Department of Transportation will host Litter Sweep North Carolina September 15-29, 2018. Litter Sweep is NCDOT's biannual State-wide roadside litter removal initiative in which residents throughout North Carolina participate in local efforts to help clean up North Carolina's roadways. Volunteers are provided cleanup supplies from their respective local NCDOT County Maintenance Yard office. To participate in Litter Sweep, please contact local NCDOT Litter Program Coordinator Darlene Bailey at (336) 896-2380.

Communications Director Linda McElroy announced in observance of Yom Kippur, the City Council meeting scheduled for September 18th has been rescheduled to Monday, September 17, 2018 at 5:00 p.m. in Council Chambers.

Communications Director Linda McElroy announced local boys and girls ages 7-15 are invited to a free day of baseball and softball instruction. The Mayor's Play Ball event will be held Saturday, September 8, 2018 at Catawba College Newman Park from 9:00 a.m. until noon. Baseball and softball instructions will be provided by the Catawba College baseball and softball teams. Transportation is provided from Hall Gym and the Civic Center at 8:30 a.m. Pre-registration is recommended by calling (704) 638-5286 or registering online at [www.salisburync.gov/playball](http://www.salisburync.gov/playball).

Mayor Heggins invited Parks and Recreation Director Nick Aceves to share more information regarding the Mayors Playball initiative. Mr. Aceves commented the Playball initiative is provided by Major League Baseball (MLB) to get youth interested in playing baseball and softball. He thanked Catawba College for helping support the free initiative for the community youth. He noted transportation is available by calling Halls Gym prior to the event, or participants can arrive before 8:30 a.m.



## **COUNCIL COMMENTS**

Councilmember Sheffield thanked Parks and Recreation and staff for helping with renaming portions of the Greenway, and she commented the ceremony would take place Friday, September 7, 2018.

Mayor Heggins asked City Attorney Graham Corriher if public comment could be opened 15 minutes prior to 6:00 p.m. given Council's schedule. Mr. Corriher commented it would be the Mayor's prerogative.

Mayor Heggins paid tribute to the late Senator John McCain.

## **PUBLIC COMMENT**

Mayor Heggins opened the floor to receive public comments.

Mr. Larry Ford shared he served as lead general councilor for the North Carolina League of Municipalities, and he shared everyone should be more supportive of each other. He expressed he understands the need for the Resolution for Reconciliation. He commented the Sheriff's office is responsible for the protection of the persons in jail and suggested Council to review.

Ms. Renee MacNutt commented she is in favor of relocating the Fame statue and asked Council to consider supporting the Resolution of Reconciliation.

Dr. Gary Freeze expressed he is a local historian and teaches history at Catawba College and provided an easement deed for Council's review. He noted the mother of the Fame statue is called Hope. He read articles from the Historic Commission, and he commented the monument could not be moved because it is located on private property and owned by United Daughters of the Confederacy.

Mr. Ronnie Smith provided Council a letter regarding the placement of the Rowan County Vietnam Veterans Memorial Wall.

Mr. Perry Miller shared his concerns regarding the recent vandalism to the Fame statue.

Ms. Susan Lee commented in regards to the Fame statue and read portions of a speech written by the Former Mayor of New Orleans Mitch Landrieu.

Ms. Whitney Peckman expressed she would like the Fame statue to remain at its current location and suggested removing the statue's plaque.

Mr. Jeffery Sharp expressed he would like for United Daughters of the Confederacy to provide a statement regarding its position to the Fame statue.

Mr. Anthony Smith shared his concerns regarding the location of the Fame statue and suggested the statue should be relocated.

Ms. Melissa Summers asked everyone to keep the future of the children in mind when making decisions.

Mr. Tenkomenin Crowder expressed his opposition in regards to slavery.

Mr. Isaac Heggins shared his concerns with the community's behavior toward each other.

Ms. Jane Steinburg stated she was in support of the Rowan County Veterans Memorial Wall, and she shared some of her personal histories of growing up in Salisbury.

There being no one else to address Council, Mayor Heggins closed the public comment session.

Mayor Heggins asked City Attorney Graham Corriher to review the difference between a deed and an easement. Mr. Corriher commented a deed is the transfer of a property's ownership. He noted an easement gives the right to use land and is not a transfer of land ownership, and he added easements can be temporary or permanent. He shared he does not have any reason to disagree with the opinions offered in the past that indicate the property in which the Fame monument is located was provided by an easement.

### **MAYOR'S COMMENTS**

Mayor Heggins asked if Council would consider holding its comments due to the time, and she suggested Council move into closed session. Councilmembers agreed.

### **CLOSED SESSION**

Mayor Heggins requested a motion to go into closed session.

Thereupon, Councilmember Miller made a **motion** to go into closed session to consult with an attorney as allowed by NCGS 143-318.11 (a)(3). Mayor Pro Tem Post seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

### **RETURN TO OPEN SESSION**

By consensus, Council agreed to return to open session.

Mayor Heggins announced no action was taken in closed session.

## ADJOURNMENT

Motion to adjourn the meeting was made by Councilmember Miller seconded by Mayor Pro Tem Post. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 8:20 p.m.



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Al Heggins, Mayor



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Diane Gilmore, City Clerk